

From Fragmentation to Integration: Reconstructing the Handling of Domestic Violence Through the Synergy of Criminal Law and Family Law

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Abstract

Domestic violence is a recurring legal and social problem with serious consequences for human dignity and family integrity. In Indonesia, the handling of domestic violence generally relies on criminal law through Law Number 23 of 2004 concerning the Elimination of Domestic Violence, while family law regulates its implications for marital and family relationships, including divorce, maintenance, child custody, and post-divorce rights. However, the implementation of these two legal regimes remains separate and fragmented and, therefore, has not provided comprehensive protection and recovery for victims. This study aims to reconstruct the handling of domestic violence through synergy between criminal law and family law to achieve substantive justice. It employs normative legal research using statutory, conceptual, case, and comparative approaches. The findings demonstrate that criminal law plays a role in ensuring offender accountability and creating a deterrent effect, whereas family law focuses on victim protection, resolution of family relationships, and fulfilment of family members' rights. This study formulates an Integrated Criminal-Family Law Synergy Model consisting of five stages: early risk assessment and emergency protection, parallel activation of criminal-law and family-law mechanisms, judicial and institutional coordination, victim recovery and fulfilment of victims' and children's rights, and post-decision monitoring to prevent repeated violence. The model negotiates the punitive orientation of criminal law with the protective and relational orientation of family law so that domestic violence handling is not limited to punishment but also guarantees victim safety, family-law remedies, recovery, and substantive justice.

Keywords: *Domestic Violence, Criminal Law, Family Law, Legal Synergy.*

Abstrak

Kekerasan dalam rumah tangga merupakan persoalan hukum dan sosial yang terus berulang serta berdampak serius terhadap martabat individu dan keutuhan keluarga. Di Indonesia, penanganan kekerasan domestik pada umumnya bertumpu pada hukum pidana melalui Undang-Undang Nomor 23 Tahun 2004 tentang Penghapusan Kekerasan dalam Rumah Tangga, sementara hukum keluarga mengatur implikasinya dalam relasi perkawinan dan keluarga, termasuk perceraian, nafkah, pengasuhan anak, dan hak-hak

pascaperceraian. Namun, penerapan kedua rezim hukum tersebut masih bersifat terpisah dan parsial, sehingga belum mampu memberikan perlindungan dan pemulihan korban secara komprehensif. Penelitian ini bertujuan merekonstruksi penanganan kekerasan domestik melalui sinergi antara hukum pidana dan hukum keluarga guna mewujudkan keadilan substantif. Penelitian ini merupakan penelitian hukum normatif dengan pendekatan perundang-undangan, konseptual, kasus, dan perbandingan terbatas. Hasil penelitian menunjukkan bahwa hukum pidana berperan dalam menjamin pertanggungjawaban pelaku dan memberikan efek jera, sedangkan hukum keluarga berorientasi pada perlindungan korban, penyelesaian hubungan keluarga, serta pemenuhan hak-hak anggota keluarga. Penelitian ini merumuskan Model Sinergi Hukum Pidana-Hukum Keluarga Terpadu yang terdiri atas lima tahap, yaitu penilaian risiko awal dan perlindungan darurat; aktivasi paralel mekanisme hukum pidana dan hukum keluarga; koordinasi peradilan dan kelembagaan; pemulihan korban serta pemenuhan hak korban dan anak; serta pemantauan pascaputusan untuk mencegah kekerasan berulang. Model ini menegosiasikan orientasi pemidanaan dalam hukum pidana dengan orientasi perlindungan dan relasional dalam hukum keluarga sehingga penanganan kekerasan domestik tidak berhenti pada penghukuman, tetapi juga menjamin keamanan korban, penyelesaian hak-hak keluarga, pemulihan, dan keadilan substantif.

Kata kunci: *Kekerasan Dalam Rumah Tangga, Hukum Pidana, Hukum Keluarga, Sinergi Hukum.*

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Introduction

Domestic violence is a legal and social phenomenon that continues to attract significant attention in many countries including Indonesia. Violence occurring within the household not only causes physical harm to victims but also results in prolonged psychological, social, and structural injuries.¹ Domestic violence undermines the foundations of the family as the basic unit of society, which functions to protect, educate,

¹ N Rohaya and P Maguchu, "Unraveling the Legal Labyrinth: An In-Depth Review of Domestic Violence Regulation in Indonesia," *Nurani* 24, no. 1 (2024): 77–90, <https://doi.org/10.19109/nurani.v24i1.20011>.

and promote the welfare of its members.² In Indonesia, domestic violence has been normatively addressed through Law No. 23 of 2004 on the Elimination of Domestic Violence (UU PKDRT).³

The SIMFONI PPA data show that in 2020, there were 20,501 cases of violence in Indonesia, of which 12,169 occurred within households. The predominant forms of violence include sexual, physical, and psychological violence. In 2021, the National Commission on Violence Against Women recorded 338,496 cases of gender-based violence against women, representing an increase of approximately 50% compared with the previous year⁴. These data indicate that the existing regulatory framework has not yet been fully effective in reducing domestic violence, thereby highlighting the need for a more integrated approach involving criminal law, family law, the judiciary, and victim recovery services.

This law marked an important shift in national legal policy by recognizing domestic violence as a public crime subject to state intervention. However, in law enforcement practice, the handling of domestic violence remains dominated by a criminal law paradigm oriented toward punishing perpetrators.⁵ This repressive criminal approach plays a strategic role in deterring and upholding the rule of law. Nevertheless, it also faces limitations when confronted with the particular characteristics of family relationships. Perpetrators and victims are bound by complex emotional, economic, and social ties. As a result, adversarial criminal proceedings often worsen the victim's position through retraumatization,⁶ social pressure, and uncertainty regarding the future of the family. However, family law adopts a different orientation. It emphasizes the protection of family institutions, welfare of family members, and more persuasive and equitable forms of

² D Rode and M M Rode, "Domestic Violence and the Functioning of the Family System," *Z Zagadnien Nauk Sadowych* 108 (2016): 651–67, <https://www.scopus.com/inward/record.uri?eid=2-s2.0-85050803010&partnerID=40&md5=23c187315ec8e65c9d9390b51614e406>.

³ W Nuronyah et al., "Assessing Indonesia and Malaysia's Legal Responsiveness to Domestic Violence Victims within Islamic Law Framework," *Al-Manahij: Jurnal Kajian Hukum Islam* 19, no. 2 (2025): 247–70, <https://doi.org/10.24090/mnh.v19i2.13736>.

⁴ Dewi Hestiani, "TINJAUAN LITERATUR KEKERASAN DALAM RUMAH TANGGA (KDRT): FAKTOR PENYEBAB, KORBAN DAN DAMPAKNYA" 1, no. 3 (2023): 798–800.

⁵ H Arief, "Domestic Violence and Victim Rights in Indonesian Law Concerning the Elimination Of Domestic Violence," *Journal of Legal, Ethical and Regulatory Issues* 21, no. Specialissue (2018), <https://www.scopus.com/inward/record.uri?eid=2-s2.0-85055158975&partnerID=40&md5=37d263d050481e3ca7c93cf9d6698ff7>.

⁶ Nety Hermawati, "KEJAHATAN ANAK MENURUT HUKUM PIDANA POSITIF DAN HUKUM PIDANA ISLAM," *Istinbath: Jurnal Hukum* 12 (2015), <https://journal.metrouniv.ac.id/istinbath/article/view/577>.

conflict resolution. However, family law is often perceived as weak in providing effective protection for victims, particularly when it is not supported by firm sanctions against perpetrators. This creates a dichotomy between criminal law and family law approaches in addressing domestic violence.

In the Indonesian context, the urgency of legal synergy is particularly evident because the applicable family-law framework does not consist solely of civil marriage norms but also includes Islamic family law as institutionalized through the Compilation of Islamic Law and Religious Court practice. Positive criminal law protects victims by affirming that domestic violence is a public wrong requiring state intervention, whereas Islamic family law emphasizes the objectives of marriage, protection of life and dignity, welfare of children, and prevention of harm within the family. The reconstruction proposed in this article, therefore, does not privatize domestic violence or replace criminal accountability with reconciliation. Rather, it designed a coordinated model in which criminal law, marriage law, Islamic family law, and victim-support institutions operated according to their respective authorities while pursuing a shared objective: victim safety, perpetrator accountability, recovery, and substantive justice.

Several studies have examined domestic violence from various perspectives. Some focus on the effectiveness of UU PKDRT in providing legal protection for victims. These studies generally conclude that although the normative framework is adequate, the implementation of the UU PKDRT still faces structural obstacles, such as weak law enforcement, limited victim protection, and low sensitivity among law enforcement officers to gender issues and power relations within families.⁷ Other studies have concentrated on the role of family law in handling domestic conflicts, including divorce, child custody, and the protection of women.⁸

These studies indicate that family law mechanisms are more adaptive in responding to victims' psychological and social needs; however, they have not yet been able to provide a strong deterrent effect against repeated violence. Several contemporary studies have begun to highlight restorative justice approaches and local wisdom in

⁷ B Jones, "Bureaucratic Violence: State Neglect of Domestic and Family Violence Victims in Aceh, Indonesia," in *The Criminalization of Violence against Women: Comparative Perspectives*, 2023, 285–98, <https://doi.org/10.1093/oso/9780197651841.003.0016>.

⁸ Neng Eri Sofiana and Dian Meiningtias, "REAKTUALISASI PERLINDUNGAN PEREMPUAN DALAM HUKUM KELUARGA ISLAM DI ARAB SAUDI DAN MESIR," *Indonesian Journal of Shariah and Justice*, 2023, <https://api.semanticscholar.org/CorpusID:260543339>.

addressing domestic violence.⁹ This approach is considered capable of offering more humane solutions by emphasizing victim recovery and perpetrator responsibility. However, some studies also criticize the uncontrolled application of restorative justice, as it may neglect the vulnerable positions of victims, particularly women and children. Despite their significant contributions, most of these studies still position criminal law and family law separately. Research that systematically discusses the integration or synergy between these two legal regimes is limited. Consequently, the handling of domestic violence tends to be partial and has not fully addressed the complexity of the problem.

Therefore, previous studies may be grouped into four main clusters. The first cluster examines the effectiveness of criminal regulation and the UU PKDRT, especially the gap between formal legal protection and law enforcement practice. The second cluster discusses family law and Islamic family law, focusing on divorce, maintenance, child custody, and the protection of women and children after domestic conflict. The third cluster analyzes restorative justice and local wisdom as alternatives to purely retributive punishment, while also warning that reconciliation may endanger victims when applied without safeguards. The fourth cluster addresses institutional and procedural barriers, including weak coordination among police, prosecutors, courts, social services, and victim-support institutions. These clusters show that existing studies have contributed important insights, but they still tend to separate criminal accountability from family-law remedies and have not yet offered an integrated model that explains how both regimes can be connected operationally.

Based on previous studies, there is a significant research gap in the study of domestic violence law, namely, the absence of a comprehensive conceptual framework concerning the synergy between criminal law and family law within an integrated model of handling domestic violence. Most existing research remains trapped in a dichotomy between repressive and protective approaches, without serious efforts to systematically integrate the two. This study aims to analyze the challenges involved in creating synergy between criminal law and family law and to formulate a more integrated model for reconstructing the handling of domestic violence. This research is important because the

⁹ Gandhi Liyorba and Fathul Mu, "Family Conflict Resolution Based on Lampung Customary Local Wisdom and Its Implications for Household Harmony," *Fikri: Jurnal Kajian Agama, Sosial Dan Budaya*, 2024, 1–14, <https://journal.iaimnumetrolampung.ac.id/index.php/jf>.

handling of domestic violence tends to remain sectoral, while the two fields of law operate under different objectives, procedures, implementing institutions, and regulatory jurisdictions. Criminal law focuses primarily on perpetrator accountability, whereas family law concerns the protection of family members, resolution of the legal consequences of marriage, and fulfilment of victims' rights.¹⁰ These differences must be reconciled without eliminating the distinctive characteristics and authority of each legal field.

The substantive justice framework is employed to assess whether the handling of domestic violence not only ensures legal certainty and perpetrator punishment but also guarantees victims' safety, recovery, and fulfilment of rights. This framework is applied by examining the relationship between criminal law norms, family law provisions, judicial practices, and victim support mechanisms. The novelty of this study lies in positioning criminal law and family law not merely as parallel legal regimes but as complementary systems supported by institutional coordination and a clear distribution of authority. Scientifically, this article enriches the socio-legal literature and family law scholarship, including Islamic family law, by proposing a model that connects perpetrator accountability, victim protection, and the restoration of safe family relations. Practically, the findings may serve as a foundation for policymakers, judicial institutions, and law enforcement officials to develop a more coordinated, just, humane, and victim-oriented approach to domestic violence.

Method

This research is a normative legal study with a prescriptive-analytical character aimed at examining and reconstructing the handling of domestic violence through the synergy between criminal law and family law. The approaches employed include a statutory approach to analyze legal norms related to domestic violence, a conceptual approach to examine relevant legal doctrines and concepts, a case approach through the review of court decisions concerning domestic violence cases, and a limited comparative approach to identify best practices from other legal systems. This article is not a comparative law study in the strict sense and does not treat Indonesian domestic violence

¹⁰ Fathul Mu'in Zainudin Hasan, "Settlement of Criminal Cases Through the Angkon Muakhi Customary Law of Lampung as a Form of Restorative Justice from a Human Rights Perspective," 2026, <https://doi.org/10.24042/as-siyasi.v61.29100>.

law as a set of separate plural legal orders. The limited comparative approach is used only as a supporting lens, while the main analysis remains normative-prescriptive within Indonesian positive law and Islamic family law, as recognized in national legal instruments and Religious Court practice.

The legal materials used in this study consisted of primary, secondary, and tertiary legal materials. The primary legal materials include the 1945 Constitution of the Republic of Indonesia; Law Number 23 of 2004 concerning the Elimination of Domestic Violence; Law Number 1 of 1974 concerning Marriage, as amended by Law Number 16 of 2019; Law Number 8 of 1981 concerning the Criminal Procedure Code; Law Number 31 of 2014 concerning the Amendment to Law Number 13 of 2006 on Witness and Victim Protection; Law Number 48 of 2009 concerning Judicial Power; Presidential Instruction Number 1 of 1991 concerning the Dissemination of the Compilation of Islamic Law; and Supreme Court Regulation Number 3 of 2017 concerning Guidelines for Adjudicating Cases Involving Women in Conflict with the Law.

This study also examines relevant District Court decisions concerning the criminal liability of domestic violence perpetrators and Religious Court decisions concerning divorce, maintenance, child custody, and post-divorce rights arising from domestic violence. Secondary legal materials consisted of books, journal articles, and relevant previous studies, whereas tertiary legal materials, including legal dictionaries and encyclopedias, were used as supporting references. All legal materials were collected through library research and analyzed qualitatively using statutory, conceptual, and case approaches. Legal interpretation and reasoning techniques were employed to examine the relationship, differences in jurisdiction, and potential synergy between criminal and family laws in addressing domestic violence. The results of the analysis were then used to formulate a reconstructed model for handling domestic violence oriented toward victim protection, restorative justice, and substantive justice.

The analysis was conducted in four stages. First, legal materials were identified and classified according to their function, namely, norms on criminal liability, norms on marriage and family rights, procedural rules, victim-protection instruments, and court practices. Second, the materials were interpreted using grammatical, systematic, and teleological interpretations to determine the legal objectives of each regime and the points at which their norms intersect. Third, the results of the interpretation were compared with

judicial practices and previous studies to identify normative gaps, institutional fragmentation, and risks faced by victims. Fourth, conclusions were drawn prescriptively by formulating a reconstructed model that integrated criminal sanctions, family-law remedies, victim protection, recovery mechanisms, and post-decision monitoring. Through these stages, the research moved from legal material collection, interpretation, and synthesis to the formulation of a normative model.

Results and Discussion

Domestic Violence as a Multidimensional Legal Problem

Domestic violence cannot be understood merely as a violation of criminal law; it constitutes a multidimensional and complex legal problem.¹¹ Violence within a household is closely linked to intertwined social, psychological, cultural, and structural factors. Unequal power relations, economic dependency, gender-based social constructions¹², and the normalization of violence in the private sphere are among the main factors driving domestic violence.¹³ This demonstrates that domestic violence is not simply an individual criminal act but also a reflection of systemic problems within family life and society.¹⁴

From the perspective of criminal law, domestic violence is positioned as an unlawful act that threatens human safety and dignity, and therefore must be addressed through punitive mechanisms.¹⁵ Law No. 23 of 2004 on the Elimination of Domestic Violence explicitly classifies physical, psychological, sexual violence, and household neglect as criminal offenses.¹⁶ Provisions within the Criminal Code may also be applied to acts of violence that fulfill the elements of general criminal offenses, such as assault,

¹¹ L Perez-Yari, M L Valverde, and W D C Puicon, "SOCIODEMOGRAPHIC FACTORS ASSOCIATED WITH DOMESTIC VIOLENCE IN WOMEN IN PERU, 2021," *Revista de La Facultad de Medicina Humana* 24, no. 1 (2024): 33–41, <https://doi.org/10.25176/RFMH.v24i1.6162>.

¹² Nur Ain and Arroyan Na, "Gender Protection in the Legal Systems of Malaysia and Indonesia : A Normative Analysis and Human Rights Based Policy Implementation Gender Protection in the Legal Systems of Malaysia and Indonesia : A Normative Analysis and Human Rights Based Policy Impl," *Gender, Islamic Law, and Sustainability* 1, no. 1 (2026): 1–13, <https://doi.org/https://doi.org/10.70211/gils.v1i1.380>.

¹³ I Hertanto, M Rustamaji, and Y Saefudin, "Police and Law Enforcement of Domestic Violence Crimes Based on Human Rights in Indonesia," *Khazanah Hukum* 6, no. 2 (2024): 134–44, <https://doi.org/10.15575/kh.v6i2.34357>.

¹⁴ Alfitri, "Gender Analysis of the Postponement of Joint Property Distribution of the Sole Residential Home for the Former Wife and Children Gender Analysis of the Postponement of Joint Property Distribution of the Sole Residential Home for the Former Wife And" 1, no. 2 (2026).

¹⁵ Dharmayani et al., "The Humanism of Authorities in Realizing Community Welfare in Bandar Lampung City," *Nizham Journal of Islamic Studies* 13 (March 13, 2025): 15–37, <https://doi.org/10.32332/nizham.v13i01.10154>.

¹⁶ Rustam Latupono and La Jamaa, "Penyelesaian Konflik Dalam Rumah Tangga Studi Kasus Penyebab Perceraian Di Kota Ambon," *Lahkim XIX*, no. 1 (2023): 63–81.

coercion, or indecent acts.¹⁷ This criminal law approach places the state as the primary actor in protecting citizens from violence and upholding the principle of accountability through the imposition of sanctions on perpetrators. However, the repressive criminal law approach has limitations when applied in isolation within the context of domestic violence. Adversarial criminal justice processes often fail to fully consider the vulnerable position of victims who remain emotionally, economically, and socially connected to perpetrators.¹⁸

Some victims are also reluctant to report acts of violence because of concerns about social stigma, the sustainability of family life, and the economic consequences following the punishment of the perpetrator. Punishment alone risks neglecting victims' needs for long-term protection and sustained recovery.¹⁹ Conversely, from the perspective of family law, domestic violence is understood as a problem of family relations that requires comprehensive handling oriented toward the welfare of family members. Family law regulations, such as Law Number 1 of 1974 on Marriage and its amendments, as well as the Compilation of Islamic Law, emphasize the principles of family protection, balance of rights and obligations between spouses, and the best interests of the child.²⁰ In this context, domestic violence is viewed as a violation of the objectives of marriage and the function of the family as a safe space for members.²¹

Family law provides legal instruments to protect victims through civil mechanisms, such as divorce proceedings, determination of child custody, and orders concerning maintenance obligations. However, these instruments are often insufficient to provide effective protection against repeated violence when not supported by firm criminal sanctions. This indicates that, although family law is more sensitive to relational contexts and victims' interests, it has limitations in terms of enforcement and prevention.

¹⁷ Fernando, "Edukasi Pencegahan KDRT Kepada Masyarakat Desa Wonoharjo," *Panggung Kebaikan: Jurnal Pengabdian Sosial*, no. 4 (2024), <https://doi.org/https://doi.org/10.62951/panggungkebaikan.v1i4.636>.

¹⁸ Liyorba and Mu, "Family Conflict Resolution Based on Lampung Customary Local Wisdom and Its Implications for Household Harmony."

¹⁹ T Labrum, P Simonsson, and P L Solomon, "Stigma Contributes to the Risk of Violence by Persons with Mental Illness," *Journal of Psychosocial Rehabilitation and Mental Health* 5, no. 2 (2018): 209–12, <https://doi.org/10.1007/s40737-018-0123-3>.

²⁰ N P Daniela et al., "The Granting of Family Card for Siri Marriage in Banda City: Perspective of Islamic Family Law," *El-Usrah* 7, no. 1 (2024): 150–64, <https://doi.org/10.22373/ujhk.v7i1.23317>.

²¹ T D Wiraistri and S C van Huis, "The State of Indonesia's Marriage Law: 50 Years of Statutory and Judicial Reforms," *Ahkam: Jurnal Ilmu Syariah* 24, no. 2 (2024): 215–32, <https://doi.org/10.15408/ajis.v24i2.38424>.

Based on this analysis, domestic violence should be situated at the intersection of criminal and family law. Criminal law is necessary to ensure accountability and state protection for victims, whereas family law plays a crucial role in maintaining continuous protection, victim recovery, and the best interests of the family. Therefore, the handling of domestic violence requires integration and synergy between these two legal regimes in order to achieve justice that is not only repressive but also protective and restorative.

Problematics of a Partial Approach in Handling Domestic Violence

A partial approach to handling domestic violence remains a dominant characteristic of Indonesian law enforcement practices. Handling, which relies on a single legal regime without adequate integration with other legal regimes, leads to various normative and practical problems. Domestic violence, which is inherently complex and multidimensional, cannot be effectively addressed through a single approach, whether it is solely oriented toward criminal law or family law. First, the dominance of criminal law in handling domestic violence often places victims in a dilemma. Although criminal mechanisms aim to provide protection and deterrence for perpetrators, in practice, victims are frequently reluctant to report acts of violence.²² Concerns about social stigma, economic dependence on the perpetrator, and uncertainty regarding the sustainability of family life are the main factors hindering victims from accessing justice. Criminal justice processes that are formal, lengthy, and confrontational also have the potential to cause retraumatization (revictimization) of victims, thereby preventing the objectives of legal protection from being optimally achieved.²³

Second, a family-law approach that stands alone without the support of criminal mechanisms has serious limitations. Decisions of family courts, such as divorce rulings, determination of child custody, or maintenance obligations, generally focus on resolving legal status and family relations. However, such decisions are often not accompanied by effective protective measures to prevent further violence. Victims remain vulnerable even after obtaining favorable civil judgments because of the absence of immediate and binding security guarantees against perpetrators. Third, weak coordination among law enforcement agencies and family courts exacerbates problems in handling domestic

²² A Sanchez, "Faced with Conjugal Violence, the Need for a Global Care," *Revue de l'Infirmiere* 71, no. 279 (2022): 41–42, <https://doi.org/10.1016/j.revinf.2022.01.016>.

²³ K Barrow-Grint, "Attritionratesindomesticabuse: Timefora Change? An Application of Temporal Sequencing Theory," *Policing (Oxford)* 10, no. 3 (2016): 250–63, <https://doi.org/10.1093/police/pav054>.

violence. Police, prosecutors, criminal courts, and family courts often operate within separate spheres of authority without systematic coordination mechanisms.²⁴ As a result, legal processes have become fragmented and are not oriented toward comprehensive victim protection. This lack of continuity not only undermines the effectiveness of case handling but also creates legal uncertainty for victims.

Fourth, a partial approach also results in suboptimal efforts for prevention and victim recovery. The handling of domestic violence, which focuses solely on punishing perpetrators, often neglects the aspects of victim rehabilitation and empowerment.²⁵ Conversely, resolution through family law mechanisms that place excessive emphasis on reconciliation risks normalizing violence and disregarding the vulnerable positions of victims. This demonstrates that a partial approach is unable to meet the demands of substantive justice in domestic violence cases.

Based on these problems, it can be concluded that a partial approach to handling domestic violence widens the gap between legal norms and the reality of victim protection.²⁶ Therefore, an integrated approach that combines criminal law and family law within a comprehensive framework is required. Such integration is an essential prerequisite to ensure that the handling of domestic violence is oriented not only toward punishment but also toward protection, recovery, and the sustainability of a safe and dignified family life.

Reconstructing the Handling of Domestic Violence through Legal Synergy

The reconstruction of domestic violence handling through synergy between criminal and family laws constitutes a strategic effort to overcome the limitations of the partial approaches that have thus far been applied. This study formulates reconstruction as an Integrated Criminal-Family Law Synergy Model. The model neither merges criminal law and family law into one jurisdiction nor does it subordinate one regime to the other. Instead, it establishes a coordinated pathway that allows criminal law to secure

²⁴ R C Mcevoy, "THE PARENT TRAP: REBALANCING PARALLEL ENFORCEMENT BETWEEN CHILD PROTECTIVE SERVICES AND LAW ENFORCEMENT," *University of Pennsylvania Law Review* 169, no. 3 (2021): 867–924, <https://www.scopus.com/inward/record.uri?eid=2-s2.0-85128649906&partnerID=40&md5=18760be79b35f0d7f41ba37b1fd47e46>.

²⁵ H Rabaan and L Dombrowski, "Healing Structures: Sociotechnical Mechanisms for Centering Survivors of Domestic Violence within US-Based Marginalized Communities," *Proceedings of the ACM on Human-Computer Interaction* 8, no. CSCW2 (2024), <https://doi.org/10.1145/3687039>.

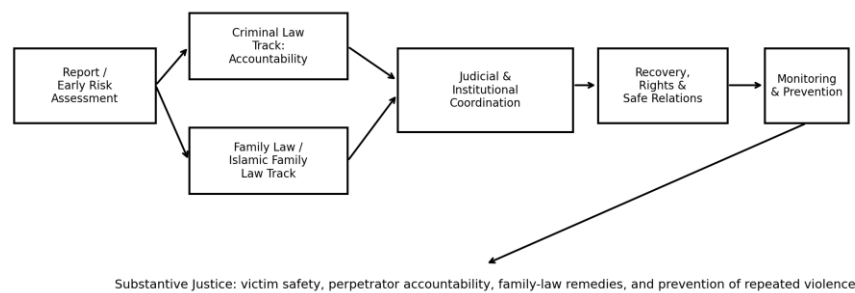
²⁶ L Sardinha et al., "Global, Regional, and National Prevalence Estimates of Physical or Sexual, or Both, Intimate Partner Violence against Women in 2018," *The Lancet* 399, no. 10327 (2022): 803–13, [https://doi.org/10.1016/S0140-6736\(21\)02664-7](https://doi.org/10.1016/S0140-6736(21)02664-7).

perpetrator accountability and public protection, while family law and Islamic family law secure victims' civil-family rights, child welfare, safe separation, reconciliation when appropriate, and long-term recovery.

Negotiations between criminal law and family law occur at four levels. At the normative level, domestic violence is recognized simultaneously as a criminal offense and as a violation of marital obligations, family welfare, and the objectives of Islamic family law to prevent harm. At the procedural level, criminal reporting, protection orders, divorce proceedings, custody determination, maintenance claims, and victim assistance should be connected through referral and information-sharing mechanisms. At the institutional level, police, prosecutors, criminal courts, Religious Courts or family courts, witness and victim protection agencies, social services, and community-based assistance bodies should coordinate without exceeding their respective jurisdictions. At the outcome level, legal responses should combine sanctions, safety guarantees, economic protection, child protection, psychological recovery, and monitoring to prevent repeated violence.

Operationally, the model proceeds through five stages: (1) early identification, risk assessment, and emergency protection for victims; (2) parallel activation of criminal law and family law mechanisms according to the victim's needs and the gravity of violence; (3) judicial and institutional coordination, including the use of evidence of violence in family law proceedings and the consideration of victims' family law needs in criminal proceedings; (4) recovery and fulfilment of rights, including maintenance, child custody, safe housing, counselling, rehabilitation, and social support; and (5) post-decision monitoring to ensure compliance with court decisions and to prevent repeated violence. Restorative justice may only be considered within this model when violence is not severe, the victim gives free and informed consent, there is no intimidation or economic coercion, the perpetrator accepts responsibility, or professional supervision is available.

Figure 1. Integrated Criminal-Family Law Synergy Model for Handling Domestic Violence



Source: compiled by authors.

The figure illustrates that criminal law and family law are not placed in a dichotomous relationship. Both tracks are activated from the initial risk assessment stage and then connected through judicial and institutional coordination. The final objective is substantive justice, which includes victim safety, perpetrator accountability, fulfilment of family-law rights, recovery, and prevention of repeated violence. First, the integration of victim protection within both criminal and family law processes is a key element in the reconstruction of domestic violence handling. In criminal proceedings, victim protection should not be limited to the reporting and trial stages, but must include security guarantees from the very beginning of case handling. At the same time, family law processes need to explicitly consider the existence of domestic violence as a basis for determining protective measures, such as restrictions on contact with the perpetrator, arrangements for safe housing, and guarantees of the fulfillment of the economic rights of victims and children.²⁷ This integration enables victim protection to operate continuously and prevents disruptions caused by fragmented legal processes.

Second, strengthening the role of judges in applying a controlled restorative justice approach is an important part of legal reconstruction. Restorative approaches in the context of domestic violence must be selectively applied under strict supervision to prevent pressure on victims.²⁸ Judges play a strategic role in assessing the appropriateness

²⁷ Syarifuddin Ali, Siti Husniyyah and Susilawati, "Prinsip Kepentingan Terbaik Bagi Anak Berhadapan Dengan Hukum Tindak Pidana Kejahatan Seksual (Studi Putusan Pengadilan Negeri No.116/Pid.Sus-Anak/2023/PN.Mdn)," *Jurnal Hukum Dan Kemasyarakatan Al-Hikmah* 4, no. 3 (2023): 852–71.

²⁸ H H Kettrey and N S Reynolds, "Is Restorative Justice Appropriate for Sexual Assault and Domestic Violence? A Systematic Review and Meta-Analysis of the 'Empirical Vacuum': Restorative Justice and Violence," *Journal of Experimental Criminology*, 2024, <https://doi.org/10.1007/s11292-024-09651-8>.

of restorative justice by considering the severity of violence, power relations, and the perpetrator's readiness to take responsibility for their actions. Within this framework, restorative justice is not intended to replace criminal mechanisms, but rather to serve as a complementary approach focused on victim recovery and the prevention of repeated violence. Third, harmonization of regulations between criminal law and family law is necessary to eliminate overlap and legal gaps in the handling of domestic violence. Such harmonization includes aligning substantive norms, case-handling procedures, and the distribution of authority among judicial institutions. Without harmonization, domestic violence handling risks becoming trapped in normative conflicts that weaken victim protection. Therefore, criminal law and family law regulations must be designed synergistically with the same objectives, namely to ensure the safety, justice, and welfare of family members.

Fourth, enhancing cross-sector coordination between law enforcement agencies, judicial institutions, and social protection bodies is a fundamental prerequisite for successful legal synergy. The handling of domestic violence cannot be entrusted solely to law enforcement authorities but requires the active involvement of social service institutions, professional practitioners, and civil society organizations. Cross-sector coordination enables more comprehensive handling, ranging from prevention and emergency responses to recovery and victim empowerment. A domestic violence handling system should not stop at punishing perpetrators but should also be oriented toward recovery and the sustainability of victims' lives.

The reconstruction of domestic violence handling through synergy between criminal law and family law is an urgent normative step toward achieving substantive justice. This synergy enables law to function not only as an instrument of sanction enforcement but also as a means of protection, recovery, and sustainable prevention of domestic violence. An integrated approach is expected to enable domestic violence management to address the complexity of the problem more effectively and fairly.

Theoretically, the reconstruction of domestic violence handling through legal synergy makes an important contribution to the development of legal scholarship, particularly in the fields of family and criminal law.²⁹ This approach enriches theoretical

²⁹ N Qeshta, J Alkhayer, and K T A Taha, "The Criminal Protection of Domestic Violence Victims Substantively and Procedurally from the Perspective of Omani Law," in *Fundamentals of Forensic*

perspectives by offering an interdisciplinary and integrative analytical framework that no longer rigidly separates public and private laws. Such synergy challenges the classical dichotomy that has long positioned domestic violence solely as a criminal matter or, conversely, as a private family conflict. The legal synergy model encourages a paradigm shift from retributive justice to substantive justice that emphasizes victim protection, recovery, and prevention of repeated violence. This reconstruction also strengthens the relevance of theories of legal protection, restorative justice, and the best interests of the child within both family law and criminal law.

Practically, the synergy between criminal law and family law has significant implications for enhancing the effectiveness of the justice system in handling domestic violence. The integration of legal approaches enables law enforcement agencies and courts to respond to domestic violence cases more comprehensively, not only through the punishment of perpetrators but also through victim protection and recovery.³⁰ The legal synergy model promotes the establishment of effective cross-sector coordination mechanisms among law enforcement agencies, courts, and social protection institutions. Such coordination is essential to ensure that domestic violence handling does not end with court decisions alone, but also includes assistance, rehabilitation, and victim empowerment. A more preventive and restorative approach created through legal synergy has the potential to reduce the recurrence of violence and increase public perceptions of justice and trust in the legal system.

Conclusion

The handling of domestic violence can no longer be understood or implemented using a partial legal approach. Domestic violence is a complex and multidimensional legal problem that intersects with criminal accountability, marital obligations, child protection, economic vulnerability, psychological recovery, and social relations within the family. A criminal-law approach that stands alone risks neglecting victims' long-term protection and recovery, while a family-law approach operating in isolation is often insufficient to ensure deterrence, accountability, and the prevention of repeated violence.

Victimology: Insights into Crime, Trauma, and Justice, 2025, 39–47, https://doi.org/10.1007/978-3-031-95987-5_4.

³⁰ S L Patti, "Intra-Family Torts: From Immunity to Special Rules in Criminal and Civil Law," *European Journal of Comparative Law and Governance* 3, no. 2 (2016): 117–29, <https://doi.org/10.1163/22134514-00302002>.

This study proposes an integrated criminal–family law synergy model as a reconstructed framework for handling domestic violence. The model connects early risk assessment, emergency protection, parallel criminal law and family law processes, judicial and institutional coordination, victim recovery, fulfilment of victims’ and children’s rights, and post-decision monitoring. Through this model, criminal law and family law are negotiated and connected not by eliminating their distinct jurisdictions but by aligning their functions toward the same substantive objective: victim safety, perpetrator accountability, family-law remedies, and the prevention of repeated violence.

This study contributes to legal protection theory by expanding protection from a sanction-based concept into an integrated framework of safety, recovery, and rights fulfilment. It refines restorative justice theory by emphasizing that restorative mechanisms in domestic violence cases must be controlled, victim-centered, and subject to strict safeguards rather than treated as a general substitute for criminal accountability. It also challenges the classical public-private dichotomy in legal theory by showing that domestic violence requires the simultaneous operation of public criminal law and private or family law remedies. In the field of Islamic family law, this study strengthens the idea that the protection of life, dignity, welfare, and children’s interests must be connected to state criminal law mechanisms when violence occurs within a household. Practically, this model provides a basis for policy reform, judicial coordination, and victim-oriented case handling.

Declarations

Author contribution statement [Typed in Bold, 12 Pt Font-Size]

F.M. was responsible for the conceptualization of the study, methodology development, data collection, data curation, formal analysis, and preparation of the original manuscript draft. R.S. contributed to the investigation process, data collection and validation, data analysis, and critical review of the manuscript. A.B. contributed to the development of the research methodology, statutory and policy analysis, interpretation of legal findings, and manuscript revision. M. was involved in the literature review, field investigation, qualitative data interpretation, validation of findings, and manuscript editing. Z.H. contributed to the conceptual refinement of the study, supervision of the research process, socio-legal analysis, critical review of the manuscript, and overall quality assurance. All authors contributed substantially to the interpretation

of the findings, revised the manuscript critically for important intellectual content, and approved the final version of the manuscript for publication.

Declaration of interests statement

The authors declare that they have no known competing financial interests or personal relationships that could have influenced the work reported in this study.

AI Usage Statement

During the preparation of this manuscript, the authors used ChatGPT, a generative artificial intelligence tool developed by OpenAI, to assist with language translation, grammatical correction, sentence restructuring, and improvement of readability and academic style. The tool was not used to determine the research methodology, generate or analyze research data, formulate independent legal arguments, verify legal authorities, or draw the findings and conclusions of the study. All AI-assisted outputs were carefully reviewed, revised, and verified by the authors. The authors independently examined the legislation, court decisions, scholarly references, legal reasoning, and substantive analysis presented in the article, and accepted full responsibility for the accuracy, originality, integrity, and final content of the manuscript.

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